

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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DANIEL HODD,

Plaintiff,

-against-

GRACE CHURCH SCHOOL, GRACE CHURCH,  
THE EPISCOPAL DIOCESE OF NEW YORK,  
JOHN AND JANE DOE 1-30, in their official and  
individual capacities, whose identities are presently  
unknown to Plaintiff,

Defendants.  
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Index No.

Date Purchased:

Plaintiff designates

NEW YORK

County as the place of trial.

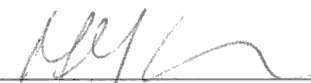
The basis of the venue is  
Defendants' place of  
business.

**SUMMONS**

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to  
serve a copy of your answer, or, if the complaint is not served with this summons, to serve a  
notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this  
summons, exclusive of the day of service (or within 30 days after the service is complete if this  
summons is not personally delivered to you within the State of New York); and in case of your  
failure to appear or answer, judgment will be taken against you by default for the relief  
demanded in the complaint.

Dated: New York, New York  
November 19, 2019

  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
DANIEL HODD,

Plaintiff,

Index No.  
Date Filed:

-against-

**VERIFIED COMPLAINT**

GRACE CHURCH SCHOOL, GRACE CHURCH,  
THE EPISCOPAL DIOCESE OF NEW YORK,  
JOHN AND JANE DOE 1-30, in their official and  
individual capacities, whose identities are presently  
unknown to Plaintiff,

Defendants.

-----X

PLAINTIFF, Daniel Hodd, by his attorney, Michael G. Dowd, complaining of

DEFENDANTS, hereby alleges the following:

**JURISDICTION AND VENUE**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as DEFENDANTS' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because New York County is the principal place of business of DEFENDANTS. In addition, many of the events giving rise to this action occurred in New York County.

**AS AND FOR A FIRST CAUSE OF ACTION:****NEGLIGENT SUPERVISION**

4. The PLAINTIFF, Daniel Hodd (hereinafter "PLAINTIFF") was born on July 22, 1983. He is a resident of Brooklyn, New York.
5. PLAINTIFF attended GRACE CHURCH SCHOOL from 1989 through 1997.
6. DEFENDANT GRACE CHURCH SCHOOL (hereinafter "GCS") is at all material times a not-for-profit co-educational independent school doing business in New York County, New York.
7. Founded in 1894, DEFENDANT GCS is a college preparatory school for grades Kindergarten through twelve.
8. Upon information and belief, at all material times, DEFENDANT GCS was operated by and otherwise part of DEFENDANT GRACE CHURCH.
9. DEFENDANT GRACE CHURCH is at all material times a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the state of New York. Its principal headquarters are located in New York, New York.
10. Upon information and belief, at all material times, DEFENDANT GRACE CHURCH is an Episcopal church in THE EPISCOPAL DIOCESE OF NEW YORK.
11. DEFENDANT THE EPISCOPAL DIOCESE OF NEW YORK (hereinafter "DIOCESE") is at all material times a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the state of New York. Its principal headquarters are located in New York, New York.

12. Hereinafter, DEFENDANT GCS, GRACE CHURCH, and DIOCESE will collectively be referred to as “DEFENDANTS.”
13. Upon information and belief, Bruce McInnes (hereinafter “McInnes”) was hired by DEFENDANT GRACE CHURCH as an organist and Master of Choristers.
14. Upon information and belief, when McInnes met PLAINTIFF in or around 1991, he was an employee and agent of DEFENDANTS acting within the course and scope of his authority as an employee.
15. Upon information and belief, McInnes continued acting as an employee and agent of DEFENDANTS through the entire period when McInnes sexually abused PLAINTIFF.
16. PLAINTIFF first met McInnes when he was approximately 8 years old in or around 1991 when he joined DEFENDANT GRACE CHURCH’S Boys Choir.
17. Beginning in or around 1991, McInnes began a process of grooming PLAINTIFF with the goal of sexually abusing him.
18. The grooming included but was not limited to McInnes giving PLAINTIFF special attention, compliments, and leaving small gifts, such as candy, on PLAINTIFF’S music stand.
19. This grooming behavior occurred on DEFENDANT GCS and GRACE CHURCH’s property.
20. The above-mentioned grooming behavior was done in the presence of, or within the observation of DEFENDANTS’ teachers, administrators, and employees.
21. Between in or around 1992 and 1997 McInnes sexually abused PLAINTIFF while he was a student at GCS.

22. Due to the position and control that DEFENDANTS vested in McInnes as their agent and employee, he was able to sexually abuse PLAINTIFF through around 2000.
23. McInnes' sadistic sexual abuse of PLAINTIFF included but was not limited to: McInnes forcing PLAINTIFF to sit on his lap while he moved PLAINTIFF'S body over his penis until he ejaculated; McInnes showing PLAINTIFF pornographic videos; McInnes taking nude photographs of PLAINTIFF; McInnes kissing and licking PLAINTIFF'S face, lips, ears, and other parts of his body; McInnes fondling PLAINTIFF'S naked genitals; McInnes orally copulating PLAINTIFF; PLAINTIFF orally copulating McInnes; PLAINTIFF anally penetrating McInnes; and McInnes repeatedly anally penetrating PLAINTIFF with his penis, fingers, tongue and a foreign object.
24. McInnes' repeated anal penetrations of PLAINTIFF with one finger, several fingers, foreign objects and his penis caused severe permanent physical injuries to PLAINTIFF'S anus and rectal lining including lacerations and tears.
25. During the anal rapes, PLAINTIFF cried in pain, but was ignored by McInnes.
26. As a result of the severe and traumatic physical injuries mentioned above, PLAINTIFF has had continuing medical problems in his groin and rectal area.
27. PLAINTIFF estimates that McInnes committed 1,200 acts of sexual abuse on him which were perpetrated over the course of at least 250 occasions between 1992 and 2000.
28. Upon information and belief, PLAINTIFF was taught and otherwise informed by DEFENDANTS that he should obey, trust, and respect DEFENDANTS and

McInnes.

29. DEFENDANTS had a duty to protect PLAINTIFF as a minor in their care from McInnes' criminal sexual acts.
30. DEFENDANTS failed to adequately and completely supervise McInnes and as a result of this failure and negligence, proximately caused PLAINTIFF to be sexually abused by McInnes.
31. At all material times, PLAINTIFF was aware of no rules or regulations or policies concerning or addressing sexual abuse of students such as PLAINTIFF, by DEFENDANTS' employees such as McInnes.
32. During all material times, PLAINTIFF received no sexual abuse training or information in any form, including but not limited to, classroom instruction or oral presentation, through video or written document on how to deal with sexual misconduct, sexual abuse, or sexual boundary violations by employees on students like himself.
33. Upon information and belief, during all material times herein, when PLAINTIFF was enrolled in school, participating in school and church programs and otherwise interacting with McInnes, he was entrusted by his parent to the care of all DEFENDANTS and during such periods the DEFENDANTS were acting in the capacity of *in loco parentis* because DEFENDANTS assumed custody and control over him as a minor child participating in church programs and as a student at the school.
34. Upon information and belief, McInnes used his position of trust and authority vested in him by the DEFENDANTS for the purpose of sexually abusing

PLAINTIFF.

35. Upon information and belief, the injury to PLAINTIFF resulted from DEFENDANTS' failure to provide PLAINTIFF the supervision of a parent of ordinary prudence under the same circumstances.
36. Upon information and belief, the injuries to PLAINTIFF were a foreseeable consequence of DEFENDANTS' negligent failure to supervise McInnes and PLAINTIFF. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the DEFENDANTS, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of McInnes as it related to PLAINTIFF.
37. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by McInnes.
38. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and as a result PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
39. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.



40. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
41. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION:**

**NEGLIGENT RETENTION**

42. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
43. Upon information and belief, as more fully alleged above, DEFENDANTS' duty of care to PLAINTIFF included a duty not to retain an employee like McInnes who would use his position of authority and influence to harm students such as PLAINTIFF.
44. Upon information and belief, DEFENDANTS knew or should have known that McInnes was grooming PLAINTIFF for the purpose of sexually abusing him and failed to take any steps to stop the abuse or prevent harm to PLAINTIFF.
45. Upon information and belief, DEFENDANTS knew or should have known that McInnes was sexually abusing PLAINTIFF and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
46. When PLAINTIFF was in their care, said DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

47. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by McInnes.
48. DEFENDANTS are liable to PLAINTIFF as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to PLAINTIFF by McInnes.
49. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and as a result PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
50. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
51. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
52. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION:**

**NEGLIGENT FAILURE TO TRAIN TEACHERS AND ADMINISTRATORS RELATED  
TO SEXUAL ABUSE AND TRAIN STUDENTS RELATING TO SEXUAL ABUSE**

53. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
54. Upon information and belief, DEFENDANTS, their agents, servants and employees owed a duty of care to PLAINTIFF as more fully alleged above. That duty included the duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent and address inappropriate employee behavior and conduct, including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees for the purpose of preventing the sexual abuse of students like PLAINTIFF.
55. Upon information and belief, DEFENDANTS did not establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect, prevent and address the problem of the inappropriate employee behavior and conduct and the sexual abuse of students by employees.
56. Upon information and belief, in failing to establish such training and education programs, policies and procedures for employees and administrators, DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

57. Upon information and belief, DEFENDANTS had a duty to train and educate students including PLAINTIFF on inappropriate employee behavior and conduct, including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employee and to establish effective policies and procedures to address said problems.
58. Upon information and belief, DEFENDANTS did not train and educate PLAINTIFF on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees and did not establish effective policies and procedures to address said problems.
59. Upon information and belief, in failing to establish such training and education programs, policies and procedures for students like PLAINTIFF, DEFENDANTS failed to exercise the degree of care that a reasonably prudent person parent would have exercised under similar circumstances.
60. Upon information and belief, DEFENDANTS are liable to PLAINTIFF, as the result of their negligent failure to establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect and prevent employee behavior and conduct, including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees. DEFENDANTS are also liable to PLAINTIFF for their failure to train and educate PLAINTIFF as a student on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually

inappropriate behavior and conduct, and the sexual abuse of students by employees and to establish effective policies and procedures to address said problems.

61. DEFENDANTS, their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent abuse of minors in their care.
62. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and as a result PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
63. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
64. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
65. That the amounts of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION:****NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT**

66. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
67. During all material times, as more fully set forth above, DEFENDANTS had the duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar circumstances.
68. During all material times, DEFENDANTS owed a special duty to PLAINTIFF as a student and minor in their care. This special duty required DEFENDANTS to take reasonable steps to anticipate such threats from its employees like McInnes which threatened the safety of PLAINTIFF.
69. Upon information and belief, by virtue of both their duty of care to PLAINTIFF and the positions of authority and influence they exercised over him, DEFENDANTS had a duty to PLAINTIFF to provide him a reasonably safe and secure environment while in their care.
70. Upon information and belief, DEFENDANTS failed to provide a reasonably safe environment to PLAINTIFF by failing to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
71. As a result, DEFENDANTS are liable to PLAINTIFF for their negligent failure to provide a reasonably safe and secure environment.
72. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression,

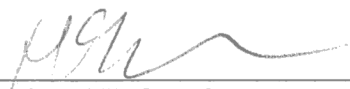


humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and as a result PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.

73. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
74. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
75. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the PLAINTIFF demands judgment against the DEFENDANTS, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
November 19, 2019



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MICHAEL G. DOWD  
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(212) 751-1640

SWEENEY, REICH & BOLZ, LLP

By: Gerard J. Sweeney, Esq.

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Attorneys for PLAINTIFF




**VERIFICATION BY ATTORNEY**

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the PLAINTIFF in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of PLAINTIFF is because PLAINTIFF is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the PLAINTIFF and other writings relevant to this action.

Dated: New York, New York  
November 19, 2019

  
\_\_\_\_\_  
MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640